

May 11 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Irrespective of the requirements of M. R. Civ. P. 24(d), a party who challenges the constitutionality of any act of the Montana legislature in any action, suit, or proceeding in the supreme court to which neither the state nor any agency or any officer or employee thereof, in the officer's or employee's official capacity, is a party, must give notice to the supreme court and to the Montana attorney general of the existence of the constitutional issue. This notice must be in writing, specify the section of the Montana Code Annotated or chapter of the session law to be construed, and must be given no later than 11 days from the date that the notice of appeal or notice of cross-appeal is filed or the date of filing of an original proceeding in the supreme court. No later than 20 days from the date that the notice of constitutional challenge is filed, the attorney general shall notify the supreme court and all parties in writing as to whether the attorney general will intervene in the appeal on the constitutional issue.

History: En. Sup. Ct. Ord. No. AF 07-0016, July 3, 2007, eff. October 1, 2007; amd. Sup. Ct. Ord. No. AF 07-0016, May 6, 2009, eff. October 1, 2009.

Rule 28. Minutes of supreme court. The clerk of the supreme court shall attest the minutes of the supreme court as true and correct.

History: En. Sup. Ct. Ord. No. AF 07-0016, July 3, 2007, eff. October 1, 2007.

Rule 29. Suspension of the rules.

(1) **Application for suspension.** In the interest of expediting decision on any matter before it, or for other good cause shown, the supreme court may, except as otherwise provided in section (2) of this rule, suspend the requirements or provisions of these rules on application of a party supported by affidavit, and may order proceedings in accordance with its direction.

(2) **Exceptions.** This rule may not be invoked with respect to proceedings governed by rule 7. Any request for an out-of-time appeal shall be governed solely by rule 4(6).

History: En. Sup. Ct. Ord. No. AF 07-0016, July 3, 2007, eff. October 1, 2007.

Form 1

IN THE SUPREME COURT OF THE STATE OF MONTANA Supreme Court Cause
No. _____ (To be assigned by the Clerk of the Supreme Court)

Attorney for Bryan Prather Prose.

Address 50 Cross Roads Shelby mt.

Phone _____

Fax _____

E-mail _____

Bryan Prather,

Appellant,

v. NOTICE OF APPEAL

Eighteenth Judicial District

Appellee.

NOTICE is given that Bryan Prather, the Appellant above-named and who is the
Petitioner (plaintiff/petitioner/or other designation) in that cause of action filed in the

FILED

MAY 11 2010

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STATE OF MONTANA

18th eighteenth Judicial District, in and for the County of Gallatin, as Cause No. DV10-48B
hereby appeals to the Supreme Court of the State of Montana from the final judgment or order
entered in such action on the 15 day of March, 2010.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal _____ is/is not X subject to the mediation process required by M. R. App. P. 7. If subject to mediation, the money judgment being sought _____ is/is not _____ less than \$5,000.
2. That this appeal _____ is/is not X an appeal from an order certified as final under M. R. Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached hereto as Exhibit "A."
3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.
4. That all available transcripts of the proceedings in this cause _____ have been/have not been X ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.
5. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

Dated this 9th day of May, 2010.
Bryan Butts Pro Se
Attorney for _____

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, each court reporter from whom a transcript will be ordered, and each party not represented by an attorney in the above-referenced District Court action, as follows:
(list name and address of the Clerk of the District Court, each court reporter, and each attorney or party served).

Dated this 9th day of May, 2010.
Jennifer Brundon

Name
615 South 16th ST #302 Bozeman MT 59715
Address
District Court Clerk
Title

Form 2

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. _____

(To be assigned by the Clerk of the Supreme Court)

- (1) Settlement agreement to be prepared by (name) by (date).
(2) Stipulation for dismissal to be filed within 15 days of the date of this order.

B. **NOT SETTLED**

DATED this ____ day of _____, 2____.

Mediator

(File with the clerk of the supreme court and provide copies to the clerk of the district court and to the parties.)

Form 9
IN THE DISTRICT COURT OF THE 18th JUDICIAL DISTRICT
IN AND FOR THE COUNTY OF _____

STATE OF MONTANA

Bryan Prather,

Plaintiff/Petitioner,

Cause Number _____

v.

NOTICE OF TRANSCRIPTS

DEEMED NECESSARY FOR APPEAL

eighteenth Judicial District.

Defendant/Respondent.

NOTICE is given that Bryan Prather, the Appellant in the above-named case, hereby determines the following transcripts are necessary for appeal **Please check only those transcripts required:**

- ☐ No transcripts are necessary
☐ Jury Voir Dire
☐ Opening Statements
☐ Closing Arguments
☐ Trial Proceedings (all testimony, in-chambers discussions, and jury verdict)
☒ Pre-Trial Proceedings (specify by description and date of proceeding)

☒ Post-Trial Proceedings
Settling

☐ Other (specify by description and date of proceeding)

☐ The following transcripts have been previously prepared and are deemed necessary on appeal and appellant requests the court reporter(s) prepare such transcripts in the proper format for filing with the supreme court and service on Appellee(s) (specify by description and date of proceeding)

The court reporter(s) responsible for the preparation of these transcripts is/are

It is further certified that financial arrangements were made with the court reporter(s) before

filing this Notice.

Dated this 9th day of May, 2010.
Bryan R. Pro-se.
Attorney for _____

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF TRANSCRIPTS DEEMED NECESSARY FOR APPEAL with the Clerk of the Montana Supreme Court and that I have served true and accurate copies of the foregoing NOTICE OF TRANSCRIPTS DEEMED NECESSARY FOR APPEAL upon the Clerk of the District Court, each attorney of record, each court reporter from whom a transcript has been ordered, and each party not represented by an attorney in the above-referenced District Court action, as follows: (list name and address of Clerk of the District Court, each court reporter, and each attorney or party served).

Dated this 9th day of May, 2010.
Jennifer Brandon
Name
615 S. 16th # 302 Bozeman MT 59715
Address
District Court Clerk.
Title

Petitioner BRYAN Lane Prather
V.S.
State of Montana Respondent

Motion To Appeal
Habitual Traffic offender
Convictions
Post Conviction Relief
on Negligent Homicide.

#1 Habitual Traffic offender

Driving Records Dated December 21, 2000 and October 8, 2009 clearly show ~~no~~ no convictions to total the points to be declared Habitual Traffic offender. Colorado Driving Record clearly does not have the convictions either. The Habitual Traffic offender convictions in Park County October 20, 2000, Gallatin County December, 16, 2000 and Yellowstone County November 16, 2007 are erroneous and need to be corrected. I was Represented by State appointed Counsel in the Park County and Gallatin County Cases. State appointed Attorneys should know the Law and not advise to plead Guilty to such charges. Asking For all relief available in 61-11-210

#2. Post conviction Relief Negligent Homicide.

February 5, 2010 A post conviction Relief motion was Filed in Gallatin County. Judge Mitte Salvagni Denied the Motions. The Pre sentence Report was corrected at Sentencing. The Reasons For

Sentencing clearly states "Lengthy Criminal History involving very many traffic violations and Five D.U.I.'s and traffic violations where the Defendant Has Ignored the Law" and "The defendant is a Serious repeat offender. He Has been convicted of Five D.U.I.'s." This Dated ~~the~~ Signed 30th day of April, 2002 by Judge Mike Salvagni. The order Dated 15th day of March 2010 By Judge Salvagni clearly states The Pre Sentence Report was Corrected at Sentencing. With the evidence clearly shows to be incorrect. The petitioner is asking to be sentenced with a correct Criminal History.

The petitioner discovered the Habitual Traffic offender Appeal in September 2009 while trying to get my Drivers Licence reinstated. Discovering the Habitual Traffic Laws Lead to Discovering the evidence to prove the Pre sentence Report is Full of incorrect convictions. Christopher Williams should Have postponed the Negligent Homicide Sentencing until the proper P.S.I could Have been prepared.

Petitioner is asking for appointed Counsel and any Relief possible.

Bryan Prather
Bryan Prather #2025069
Cross Roads Shelby MT.